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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,571	03/03/2004	Gilles Soucy	04104-060	3108

56535 7590 04/25/2006

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EXAMINER
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BELLINGER, JASON R

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/791,571	<b>Applicant(s)</b> SOUCY ET AL.	
	<b>Examiner</b> Jason R. Bellinger	<b>Art Unit</b> 3617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11 and 13-21 is/are pending in the application.  
     4a) Of the above claim(s) 3, 11 and 16-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-9, 13-15, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Drawings***

1. The drawings were received on 14 February 2006. These drawings are approved.

***Claim Objections***

2. Claim 8 is objected to because of the following informalities: The term "embossing" should be replaced with the term --embossment--, to more clearly define the invention, due to the fact that the term "embossment" is the noun form of the term "emboss". Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-2, 4-9, 13-15, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deland et al in view of Ono.

In Figures 6-8, Deland shows a traction band 120 used on a vehicle having a plurality of road wheels 150 and at least one sprocket 130 (see Figure 1). The track 120 is made from an elastomeric material and includes an inner surface that faces the road wheels 150 and sprocket wheel 130, and an outer surface that engages the ground. The track 120 includes a longitudinally extending band body, and at least one row of

Art Unit: 3617

guide horns (125a-b) that protrude from the inner surface. The guide horns (125a-b) are not drivingly engaged by the sprocket 130.

Deland et al does not show the traction band including reinforcement. In Figures 14-16, Ono teaches the use of a traction band 80 having a body 21 made from an elastomeric material, and having an inner surface 26 to face a plurality of wheels of a tracked vehicle and an outer surface 27 that faces the over which the vehicle travels. At least one row of lugs 23 protrudes from the inner surface, and lug reinforcements 60 embedded within the body 21. Each lug reinforcement 60 includes a sheet-like reinforcing portion 62 that extends into the lugs 23. At least one stabilizing portion 61 is connected to the reinforcing portion 62 and is embedded in the body of the traction band 80.

Main tensile cords 22 extend along the circumference of the body of the traction band 80, with the stabilizing portions 61 located between the inner surface of the body and the cords 22. The reinforcing portion 62 includes longitudinally extending areas (623 & 624) that are parallel planar areas that are included and connected to each other. Each reinforcing portion 62 includes a laterally extending structure 65 that laterally rigidifies the reinforcing portion 62. This structure 65 could be considered an "embossing" on the longitudinally extending areas (623 & 624). The stabilizing portions 61 extend longitudinally. The traction band 80 includes a central longitudinally extending band portion with a lateral band portion on each side of the central portion. The lug reinforcement 60 is a rigid metal plate.

Ono does not specify that the rigid plate of the lug reinforcement is formed from plastic. It is well known in the art that metal elements may be replaced with plastic elements having similar physical properties and characteristics in order to reduce the weight of an assembly without sacrificing strength, etc. Therefore from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to form the lug reinforcements from a plastic having equivalent characteristics to a metal, in order to reduce the weight of the track assembly.

Therefore from these teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the guide horns and traction band of Deland et al with the reinforcement configuration taught by Ono, for the purpose of increasing the durability of the traction band, reduce lateral deflection of the guide horns when engaged by the road wheels, thus reducing wear on the guide horns and preventing "de-tracking" of the wheels. This would also reduce maintenance costs by providing a longer-lasting and durable traction band.

The road wheels 150 of Deland et al would be positioned over the stabilizing portions 61 of Ono when the traction band 120 (of Deland et al) is mounted on the vehicle.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-2, 4-9, 13-15, and 20-21 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3617

6. Applicant's arguments filed 14 February 2006 have been fully considered but they are not persuasive. The Applicant argues that replacing the core metals of the reinforcement of Ono with "core plastics would probably have important consequences on the rigidity of the protrusions...". This is mere speculation on the part of the Applicant. It is well known in the art that plastic materials exist, which have the same or similar physical and chemical properties with a variety of metals, and that substituting a metal with a plastic having equivalent strength, etc. properties reduces the weight of an assembly without sacrificing the desired properties of the metal.

7. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the lug reinforcement is made from materials that "are generally adapted to bend and partially yield under stress") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Bellinger whose telephone number is 571-272-6680. The examiner can normally be reached on Mon - Thurs (9:00-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

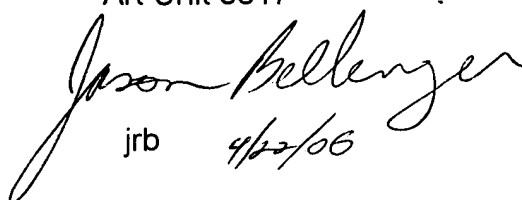
Art Unit: 3617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason R Bellinger

Examiner

Art Unit 3617

  
jrb 4/22/06